

DEPARTMENT OF WATER RESOURCES**CALIFORNIA WATER COMMISSION**

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Anthony Saracino
Chair

April 17, 2012

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U.S. Army Corps of Engineers
441 G Street, Northwest
Washington, DC 20314-1000

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Member

Daniel Curtin
Member

Joe Del Bosque
Member

Docket Number COE-2010-0007 - Comments on Process for Requesting a
Variance from Vegetation Standards for Levees and Floodwalls

Kimberley Delfino
Member

Luther Hintz
Member

Dear Ms. Conforti:

Sue Sims
Executive Officer

The California Water Commission is a nine-member board appointed by the Governor and confirmed by the State Legislature. The Commission has statutory authority to provide recommendations on policies that support sound and sustainable water management activities in California. Additionally, in matters concerning the operation of federal water development and flood control projects in California, the Water Commission "may confer with the appropriate executive agencies of the United States" (California Water Code §12604.3). The Commission appreciates the opportunity to comment on the U.S. Army Corps of Engineers (USACE) proposal for variance from vegetation standards for levees and floodwalls.

There is no doubt that the proposal, if implemented, would cause significant problems for the State of California including, but not limited to, destruction of key riparian habitat, diversion of funds from more pressing public safety concerns, loss of federal funding for levee maintenance in both urban and rural areas, and in many cases difficulty or inability to seek a variance due to a cumbersome application process.

It is our understanding that DWR and other stakeholders have attempted to productively engage USACE through exchange of correspondence and in discussions to address these and other problems with the levee vegetation and variance proposals. Unfortunately, those communications have not resulted in the resolution of key areas of concern.

We are particularly concerned that USACE has not responded to DWR's conclusion, nor its underlying scientific and engineering principles, that, in most circumstances, levee vegetation is at most a minimal risk factor and, in

Tammy Conforti

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many cases, vegetation provides public safety and significant habitat benefits.

California state and local governments are faced with significant fiscal challenges, so it is particularly disconcerting that the USACE proposal could force local maintaining agencies to forgo federal funds on the basis of unsupported concerns regarding levee vegetation, or to use limited funding to remove levee vegetation that will have the practical effect of increasing flood risks in California. DWR and DFG estimate that complying with the USACE's policy could cost up to \$7.5 billion and divert funds away from more significant levee deficiencies like seepage and erosion.

Historically, the USACE has allowed and even encouraged the planting of trees and other vegetation on California levees. These efforts, intended to benefit federal- and state-listed threatened and endangered species, have been extremely beneficial to our efforts to balance flood management and ecosystem protection. The new policy directly conflicts with these past actions.

The Water Commission believes that alternatives providing sufficient access for inspections and flood fighting can be provided without the complete removal of woody vegetation. This is not a situation in which a choice needs to be made between safety and environmental benefits because a sound plan can achieve both of these objectives. The policy to remove trees and other vegetation from California's levees endangers many important fish species and wildlife, while allowing well-managed vegetation not only benefits habitat but also the safety of our communities.

The Water Commission urges the USACE to seriously consider the scientific information as well as California's efforts and experience in levee management and flood protection to work toward a collaborative solution to this critical issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Saracino". The signature is fluid and cursive, with a long horizontal stroke at the end.

Anthony Saracino, Chair
California Water Commission